

REFERENCE TITLE: Arizona geological survey; restructuring

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2584**

Introduced by  
Representative Ulmer

### AN ACT

REPEALING SECTIONS 27-103, 27-104, 27-106, 27-107, 27-109 AND 41-3016.21, ARIZONA REVISED STATUTES; AMENDING SECTIONS 27-101, 27-101.01, 27-102, 27-105, 27-108, 27-110, 27-111 AND 27-112, ARIZONA REVISED STATUTES; AMENDING TITLE 27, CHAPTER 1, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 27-154; AMENDING SECTIONS 37-904 AND 41-3012.07, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 27, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, TO "DIVISIONS OF MINERAL RESOURCES"; RELATING TO THE ARIZONA GEOLOGICAL SURVEY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Repeal  
3 Sections 27-103, 27-104, 27-106, 27-107, 27-109 and 41-3016.21, Arizona  
4 Revised Statutes, are repealed.  
5 Sec. 2. Section 27-101, Arizona Revised Statutes, is amended to read:  
6 27-101. Definitions  
7 In this article, unless the context otherwise requires:  
8 ~~1. "Board" means the board of governors of the department.~~  
9 ~~2. "Department" means the department of mines and mineral resources.~~  
10 ~~3. "Director" means the director of the department.~~  
11 1. "DIVISION" MEANS THE DIVISION OF MINERAL RESOURCES OF THE ARIZONA  
12 GEOLOGICAL SURVEY.  
13 ~~4.~~ 2. "Minerals" includes metals and metallic and nonmetallic  
14 minerals, except oil and gas.  
15 Sec. 3. Section 27-101.01, Arizona Revised Statutes, is amended to  
16 read:  
17 27-101.01. Division of mineral resources; objectives; immunity  
18 A. ~~A department of mines and~~ THE DIVISION OF mineral resources is  
19 established IN THE ARIZONA GEOLOGICAL SURVEY.  
20 B. The objectives of the ~~department~~ DIVISION are to promote the  
21 development of the mineral resources of this state:  
22 1. Through technical and educational processes, including field  
23 investigations, public seminars, publications, conferences and mineral  
24 displays.  
25 2. By providing mining, metallurgical and other technical information  
26 and assistance to all persons who are interested in developing the mineral  
27 resources of this state.  
28 C. Any claim or action against the ~~department, the board of governors~~  
29 ~~or any member of the board or the director or~~ DIVISION OR any other officer,  
30 employee or volunteer of the ~~department~~ DIVISION in the person's official  
31 capacity must be brought against the state of Arizona and not against the  
32 ~~department, board, board member, director or officer,~~ ARIZONA GEOLOGICAL  
33 SURVEY, THE DIVISION OR ANY employee or volunteer individually.  
34 Sec. 4. Section 27-102, Arizona Revised Statutes, is amended to read:  
35 27-102. Duties; mining and mineral museum  
36 A. Consistent with the objectives stated in section 27-101.01, the  
37 ~~department~~ DIVISION shall:  
38 1. Promote the development of the mineral resources and industry of  
39 this state.  
40 2. Advocate the development of mineral resources and the production of  
41 minerals and mineral products in this state in support of its objectives.  
42 3. Participate in conferences, seminars, forums, speaking engagements,  
43 public news media and other functions necessary to achieve its objectives.

1           4. Conduct studies of the properties and claims of companies and  
2 individuals to assist in the exploration and development of mineral  
3 resources.

4           5. Maintain a repository of mineral and mining information, including  
5 databases, books, periodicals, individual mine files, mine map repository  
6 files, mining district data and an archive of mine data. All databases and  
7 other archival materials shall be maintained in a secure and retrievable  
8 format and location prescribed by the ~~director~~ STATE GEOLOGIST to protect and  
9 preserve information from damage or destruction.

10          6. Provide quality mining data, evaluation and assistance relating to  
11 promoting mineral development to the legislature, federal, state and local  
12 governmental agencies and the public.

13          7. Make surveys of potential economic mineral resources and conduct  
14 field and other investigations which may interest capital in the development  
15 of the state's mineral resources.

16          8. Serve as a source of mining information for this state in matters  
17 relating to its mineral resources and monitor current mining and exploration  
18 activities.

19          9. Publish and disseminate information and data necessary or advisable  
20 to attain its objectives. The ~~director~~ STATE GEOLOGIST may establish  
21 reasonable fees for publications.

22          10. Cooperate with the corporation commission in its investigations and  
23 administration of laws relating to the sale of mining securities.

24          11. Assist federal, state and local governmental agencies and  
25 instrumentalities, economic development organizations and gem and mineral  
26 organizations in matters relating to:

27           (a) Education.

28           (b) The identification, exploration and development of mineral  
29 resources in this state.

30          12. Use its authority in other ways to assist in more extensive  
31 exploration and development of the mineral resources of the state.

32          B. The ~~department~~ DIVISION shall maintain a mining and mineral museum  
33 as the state depository for collecting, cataloging and displaying mining  
34 artifacts and specimens of various ores, gemstones, lapidary material and  
35 other valuable mineral specimens. In connection with the museum, the  
36 ~~director~~ STATE GEOLOGIST may:

37           1. Establish and collect entrance fees to the museum for persons who  
38 are at least eighteen years of age.

39           2. Operate a retail gift shop including the acquisition, purchase and  
40 resale of mineral specimens and mineral-related items.

41           3. Employ a curator for the museum.

42          Sec. 5. Section 27-105, Arizona Revised Statutes, is amended to read:

43          27-105. Powers and duties

44          A. The ~~board of governors~~ STATE GEOLOGIST shall:

45           1. Establish field offices it deems necessary.

- 1           2. Prescribe the number of field and office assistants.  
2           3. Formulate the program and policies of the ~~department~~ DIVISION.  
3           B. For the purposes of carrying out this article, the ~~board~~ STATE  
4 GEOLOGIST may:  
5           1. Adopt rules for the management of the ~~department~~ DIVISION.  
6           2. Purchase or lease necessary technological and office equipment and  
7 pay for the utility service and maintenance for necessary museum, office and  
8 storage space.  
9           3. Apply for and accept grants, donations, gifts, bequests or legacies  
10 of real or personal property, or any other contribution, financial or  
11 otherwise, for use in accordance with the direction of the donor, or, in the  
12 absence of an express direction, to be disposed of as prescribed by the ~~board~~  
13 STATE GEOLOGIST consistent with this article. Monies received pursuant to  
14 this paragraph shall be deposited in a separate account of the ~~mines and~~  
15 mineral resources fund established by section 27-111.  
16           4. Accept from the federal or state government, any local government  
17 or any of their agencies restricted and unrestricted monies made available to  
18 the state for the purposes of this article.  
19           5. Enter into cooperative agreements in support of the objectives  
20 stated in section 27-101.01, including intergovernmental agreements pursuant  
21 to title 11, chapter 7, article 3, with:  
22           (a) The federal government and its agencies.  
23           (b) International organizations and organizations and agencies of  
24 other nations.  
25           (c) Agencies and instrumentalities of this state and political  
26 subdivisions of this state.  
27           (d) Any mining agency created by the law of any other state.  
28           (e) Other public and private organizations, foundations, clubs and  
29 museums and other entities.  
30           6. Contract with persons and public or private organizations to  
31 provide or receive services.  
32           Sec. 6. Section 27-108, Arizona Revised Statutes, is amended to read:  
33           27-108. Administrative powers and duties  
34           A. The ~~director~~ STATE GEOLOGIST shall:  
35           1. Have charge and control of the work of the ~~department~~ DIVISION,  
36 including field offices.  
37           2. Appoint the field and office assistants. The compensation for such  
38 assistants shall be as determined pursuant to section 38-611.  
39           3. Administer the finances of the ~~department, subject to the~~  
40 ~~provisions of law and the rules of the board~~ DIVISION.  
41           ~~4. Perform other duties the board prescribes.~~  
42           B. The ~~director~~ STATE GEOLOGIST may:  
43           1. ~~With the approval of the board,~~ Establish and collect fees for  
44 services provided by the ~~department~~ DIVISION.

1           2. Receive any monies to support the objectives stated in section  
2 27-101.01 arising from grants, contracts, contributions, gratuities or  
3 reimbursements payable or distributable to this state from the United States,  
4 from state, county, municipal or other governmental sources or from private  
5 persons or corporations. Monies received pursuant to this paragraph shall be  
6 deposited in the ~~mines and~~ mineral resources fund established by section  
7 27-111.

8           3. Enter into contracts, except as provided by section 27-105.

9           4. Acquire the services and expertise of state universities for the  
10 purposes of this article at the ~~director's~~ STATE GEOLOGIST'S discretion.

11          C. The ~~director~~ STATE GEOLOGIST must approve all claims for expenses  
12 before payment.

13          Sec. 7. Section 27-110, Arizona Revised Statutes, is amended to read:

14          27-110. Organization; employees and volunteers; advisory  
15                 committees; conflict of interest prohibited

16          A. ~~With the approval of the board,~~ The ~~director~~ STATE GEOLOGIST shall  
17 organize the department and may:

18           1. Employ AND PRESCRIBE THE QUALIFICATIONS OF permanent, temporary,  
19 part-time and volunteer professional and support staff. ~~The qualifications~~  
20 ~~of employees of the department shall be prescribed by the board. The board~~  
21 ~~may authorize the director to~~ THE STATE GEOLOGIST MAY provide for  
22 reimbursement of expenses of volunteer support staff.

23           2. Establish and appoint the members of advisory committees as  
24 necessary to assist the operation of the ~~department~~ DIVISION.

25          B. Neither the ~~director~~ STATE GEOLOGIST nor any other officer or  
26 employee shall:

27           1. Possess or acquire a pecuniary interest in any mining property.

28           2. Act as broker or agent for any purchaser, owner or agent of mining  
29 property, equipment or products.

30           3. Accept any commission or compensation for services rendered in  
31 connection with the mining industry.

32           4. Make an investigation or report on an individual property for  
33 evaluation or private use other than in pursuance of his official duties.

34          Sec. 8. Section 27-111, Arizona Revised Statutes, is amended to read:

35          27-111. Mineral resources fund

36          A. The ~~mines and~~ mineral resources fund is established. Monies  
37 received from any source by the ~~department~~ DIVISION shall be deposited,  
38 pursuant to sections 35-146 and 35-147, in the ~~mines and mineral resources~~  
39 fund. Monies in the fund are continuously appropriated to the ~~department~~  
40 ARIZONA GEOLOGICAL SURVEY for THE purposes of administering this article.  
41 The fund includes the following separate accounts:

1 1. Monies received pursuant to section 27-105, subsection B,  
2 paragraphs 3 and 4 shall be credited to a special account in the fund,  
3 designated as the ~~department of mines and~~ DIVISION OF mineral resources  
4 account, to be used by the ~~department~~ DIVISION in accordance with section  
5 27-105, paragraph 3 or 4, as appropriate.

6 2. Monies received pursuant to section 27-102, subsection B shall be  
7 credited to an account in the fund to be used for the maintenance and  
8 operations of the mining and mineral museum.

9 3. Monies obtained from the sale of publications under section 27-102,  
10 subsection A, paragraph 9 shall be credited to ~~the department's~~ A printing  
11 revolving account in the fund for printing further publications BY THE  
12 DIVISION. Monies in the ~~department's~~ printing revolving account that at any  
13 time are in excess of twenty thousand dollars shall immediately revert to the  
14 state general fund.

15 B. Monies in the ~~department's~~ printing revolving account up to an  
16 amount of twenty thousand dollars and monies in other accounts in the ~~mines~~  
17 ~~and~~ mineral resources fund are exempt from the provisions of section 35-190  
18 relating to the lapsing of appropriations.

19 Sec. 9. Section 27-112, Arizona Revised Statutes, is amended to read:  
20 27-112. Trade secrets; confidentiality; definition

21 A. The ~~director~~ STATE GEOLOGIST AND DIVISION may receive and accept  
22 geologic, engineering and feasibility studies and other economic and  
23 technical information FOR THE PURPOSES OF THIS ARTICLE that is considered a  
24 trade secret in the mineral industry.

25 B. Trade secret information obtained under this section is  
26 confidential and not subject to public disclosure.

27 C. For the purposes of this section, "trade secret" means information  
28 to which all of the following apply:

29 1. A person has taken reasonable measures to protect the information  
30 from disclosure and the person intends to continue to take those measures.

31 2. The information is not and has not been reasonably obtainable by  
32 legitimate means by other persons without the person's consent, other than by  
33 governmental entities and other than in discovery based on a showing of  
34 special need in a judicial or quasi-judicial proceeding.

35 3. A statute does not specifically require disclosure of the  
36 information to the public.

37 4. The person has satisfactorily shown that disclosing the information  
38 is likely to cause substantial harm to the person's competitive position.

39 Sec. 10. Title 27, chapter 1, article 4, Arizona Revised Statutes, is  
40 amended by adding section 27-154, to read:

41 27-154. Arizona geographic information council

42 A. THE ARIZONA GEOGRAPHIC INFORMATION COUNCIL IS ESTABLISHED IN THE  
43 ARIZONA GEOLOGICAL SURVEY. THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS WHO  
44 ARE APPOINTED BY THE GOVERNOR AND WHO SERVE AT THE GOVERNOR'S PLEASURE:

- 1           1. A REPRESENTATIVE OF EACH OF THE FOLLOWING STATE AGENCIES AND  
2   INSTITUTIONS:
  - 3           (a) THE DEPARTMENT OF ADMINISTRATION.
  - 4           (b) THE DEPARTMENT OF COMMERCE.
  - 5           (c) THE DEPARTMENT OF ECONOMIC SECURITY.
  - 6           (d) THE DEPARTMENT OF EDUCATION.
  - 7           (e) THE DEPARTMENT OF ENVIRONMENTAL QUALITY.
  - 8           (f) THE ARIZONA GAME AND FISH DEPARTMENT.
  - 9           (g) THE ARIZONA GEOLOGICAL SURVEY.
  - 10          (h) THE DEPARTMENT OF HEALTH SERVICES.
  - 11          (i) THE STATE LAND DEPARTMENT.
  - 12          (j) THE ARIZONA STATE PARKS BOARD.
  - 13          (k) THE DEPARTMENT OF REVENUE.
  - 14          (l) THE DEPARTMENT OF TRANSPORTATION.
  - 15          (m) THE DEPARTMENT OF WATER RESOURCES.
  - 16          (n) THE OFFICE OF STATE CARTOGRAPHER.
  - 17          (o) THE DEPARTMENT OF PUBLIC SAFETY.
  - 18          (p) ARIZONA STATE UNIVERSITY.
  - 19          (q) NORTHERN ARIZONA UNIVERSITY.
  - 20          (r) UNIVERSITY OF ARIZONA.
- 21           2. A REPRESENTATIVE OF EACH OF THE FOLLOWING FEDERAL GOVERNMENTAL  
22   AGENCIES:
  - 23           (a) THE BUREAU OF INDIAN AFFAIRS.
  - 24           (b) THE BUREAU OF LAND MANAGEMENT.
  - 25           (c) THE BUREAU OF RECLAMATION.
  - 26           (d) THE UNITED STATES FOREST SERVICE.
  - 27           (e) THE UNITED STATES GEOLOGICAL SURVEY.
  - 28           (f) THE NATIONAL GEODETIC SURVEY.
- 29           3. A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF COUNTY GOVERNMENTS.
- 30           4. A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF MUNICIPAL  
31   GOVERNMENTS.
- 32           5. A REPRESENTATIVE OF GEOGRAPHIC INFORMATION SYSTEMS CONSORTIA FROM  
33   THE FOLLOWING REGIONS:
  - 34           (a) NORTHERN ARIZONA.
  - 35           (b) SOUTHERN ARIZONA.
  - 36           (c) THE YUMA REGION.
  - 37           (d) PIMA COUNTY.
  - 38           (e) MARICOPA COUNTY.
- 39           6. ONE MEMBER REPRESENTING THE PRIVATE SECTOR.
- 40           B. THE MEMBERS OF THE COUNCIL ARE NOT ELIGIBLE FOR COMPENSATION FOR  
41   THEIR SERVICE ON THE COUNCIL. THE MEMBERS SHALL ELECT A CHAIRPERSON AND  
42   OTHER NECESSARY OFFICERS. THE COUNCIL SHALL:
  - 43           1. MEET ON THE CALL OF THE CHAIRPERSON.
  - 44           2. ADOPT BYLAWS, RULES AND PROCEDURES FOR THE ORDERLY CONDUCT OF  
45   OPERATIONS.

1 C. THE COUNCIL MAY APPOINT TECHNICAL COMMITTEES AS IT CONSIDERS TO BE  
2 NECESSARY.

3 D. THE COUNCIL SHALL:

4 1. COLLECT INFORMATION ON USER REQUIREMENTS FOR MAPS, IMAGERY PRODUCTS  
5 AND GEOGRAPHIC INFORMATION SYSTEMS.

6 2. PRIORITIZE AND RELATE THOSE REQUIREMENTS TO THE UNITED STATES  
7 GEOLOGICAL SURVEY, THE ARIZONA LAND RESOURCE INFORMATION SYSTEM AND OTHER  
8 PRODUCERS OF GEOGRAPHIC INFORMATION AND CARTOGRAPHIC PRODUCTS.

9 3. SERVE AS A FORUM TO SHARE INFORMATION ABOUT FEDERAL, STATE AND  
10 LOCAL GOVERNMENT AND PRIVATE SECTOR MAP PRODUCTION AND GEOGRAPHIC INFORMATION  
11 SYSTEM ACTIVITIES.

12 4. PARTICIPATE IN ACTIVITIES TO DEFINE THOSE CATEGORIES OF SPATIAL  
13 DATA APPROPRIATE FOR STANDARDIZATION AND ESTABLISH STANDARDS OF CONTENT,  
14 FORMAT AND ACCURACY FOR THE IDENTIFIED DATA CATEGORIES.

15 5. COORDINATE INTERAGENCY MAP PRODUCTION OR ACQUISITION AND GEOGRAPHIC  
16 DATABASE DEVELOPMENT.

17 6. STUDY CARTOGRAPHIC AND GEOGRAPHIC INFORMATION SYSTEMS AND MAKE  
18 RECOMMENDATIONS TO RESPONSIBLE ENTITIES.

19 Sec. 11. Section 37-904, Arizona Revised Statutes, is amended to read:

20 37-904. Public lands board of review; members; powers and  
21 duties; staff and officers; service of process

22 A. There is established a public lands board of review consisting of  
23 the following members:

24 1. State land commissioner.

25 2. Director of the department of ~~health services division of air and~~  
26 ~~water~~ ENVIRONMENTAL quality.

27 ~~3. Director of the department of mines and mineral resources.~~

28 3. THE STATE GEOLOGIST.

29 4. Director of the Arizona state parks board.

30 5. Director of the department of transportation.

31 6. Deputy state forester.

32 7. Director of water resources.

33 8. Director of the Arizona game and fish department.

34 9. As provided in subsection F, the chairman of the board of  
35 supervisors of a county in which public lands are located.

36 10. One county supervisor, appointed by the governor to serve at the  
37 pleasure of the governor.

38 B. The board shall elect one of its members to serve as chairman. The  
39 chairman shall call meetings of the board and prescribe the time and place of  
40 each meeting.

41 C. Members of the board are not eligible to receive compensation but  
42 are eligible for reimbursement of expenses pursuant to title 38, chapter 4,  
43 article 2.

1 D. The board:

2 1. Shall review and approve or disapprove all rules and regulations  
3 proposed by the commissioner under this chapter.

4 2. May review any decision of the commissioner relating to public  
5 lands under this chapter and affirm, modify or reverse the decision.

6 E. The state land department shall provide the administrative staff  
7 and offices needed by the board, and the state land commissioner shall be  
8 deemed the clerk of the board upon which notices of appeal and other process  
9 shall be served.

10 F. The chairman of the county board of supervisors of a county in  
11 which public lands are located and which are the subject of the board action  
12 shall serve as a member of the board for the purposes of the action.

13 Sec. 12. Section 41-3012.07, Arizona Revised Statutes, is amended to  
14 read:

15 41-3012.07. Arizona geological survey; termination July 1, 2012

16 A. The Arizona geological survey terminates on July 1, 2012.

17 B. Title 27, chapter 1, ~~article~~ ARTICLES 1 AND 4 ~~is~~ ARE repealed on  
18 January 1, 2013.

19 Sec. 13. Heading change

20 The article heading of title 27, chapter 1, article 1, Arizona Revised  
21 Statutes, is changed from "DEPARTMENT OF MINES AND MINERAL RESOURCES" to  
22 "DIVISION OF MINERAL RESOURCES".

23 Sec. 14. Succession

24 A. As provided by this act, the Arizona geological survey succeeds to  
25 the authority, powers, duties and responsibilities of the department of mines  
26 and mineral resources.

27 B. This act does not alter the effect of any action or impair the  
28 valid obligations of the department of mines and mineral resources taken  
29 before the effective date of this act.

30 C. Administrative rules and orders adopted by the department of mines  
31 and mineral resources continue in effect until superseded by administrative  
32 action by the Arizona geological survey.

33 D. All administrative matters, contracts and judicial and  
34 quasi-judicial actions, whether completed, pending or in process, of the  
35 department of mines and mineral resources on the effective date of the act  
36 are transferred to and retain the same status with the Arizona geological  
37 survey.

38 E. Any certificates, licenses, registrations, permits and other  
39 indicia of qualification and authority that were issued by the department of  
40 mines and mineral resources retain their validity for the duration of their  
41 terms of validity as provided by law.

42 F. All equipment, records, furnishings and other property, all data  
43 and investigative findings and all appropriated monies that remain unexpended  
44 and unencumbered on the effective date of this act of the department of mines  
45 and mineral resources are transferred to the Arizona geological survey.

1           G. All personnel who are under the state personnel system and employed  
2 by the department of mines and mineral resources are transferred to  
3 comparable positions and pay classification in the Arizona geological survey  
4 on the effective date of this act.

5           Sec. 15. Effective date

6           This act is effective from and after December 31, 2008.